

Chapter 114**SWIMMING POOLS**

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[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring 8-10-71 as L.L. No. 4-1971. Amendments noted where applicable.]

GENERAL REFERENCES

Water - See Ch. 130.

§ 114-1. Purpose.

The Board of Trustees recognizes that the regulation of the establishment, construction, maintenance and operation of private swimming pools is a matter of public importance, primarily as it concerns the problems of safety and also the minimizing of any possible nuisance resulting from noise, odors, overflowing waters, improper maintenance and the possible depreciation of property values by reason of improperly installing or maintaining swimming pools in undesirable locations. This chapter shall be read and construed having regard to the foregoing statement of purposes.

§ 114-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FENCE - An enclosure maintained in good condition and constructed of chain link wire, woven wood, brick or stone or other similar materials, for the purpose of resisting any attempt by children or animals to enter the pool area.

PERMANENT POOL - Any private swimming pool of permanent construction used by any person for swimming, bathing or wading.

PORTABLE POOL - Any above-surface-type private swimming pool, not stationary or fixed, capable of being removed for storage and used by any person for swimming, bathing or wading.

SWIMMING POOL - Any private pool of water (excluding natural bodies of water fed by rivers, streams, or brooks, or any brook, river or natural pond or lake) or receptacle for water having a depth at any point greater than two (2') feet, used or intended to be used for swimming, bathing or wading and constructed, installed or maintained in or above the ground outside any building.

§ 114-3. Fencing or enclosure.

- A. Every permanent swimming pool shall be completely enclosed by a good quality sturdy fence not less than forty (40") inches in height with all gates or doors opening through such enclosure equipped with self-closing and self latching devices designed to keep and capable of keeping such gates or doors securely closed at all times when not in actual use, or a type of device approved by the Building Inspector or Code Enforcement Officer of the Village.
- B. Above-grade swimming pools with deck shall have a railing around the deck and shall be equipped with a security gate at the bottom of the steps with self-latching devices designed to keep and capable of keeping such gates securely closed at all times.
- C. All new permanent swimming pools shall be fenced during construction and prior to using same. All existing permanent pools shall be fenced within one hundred twenty (120) days after the enactment of this chapter.

§ 114-4. Regulations.

Swimming pools, permanent pools and portable pools shall each be a permitted accessory use in an R-1 and R-3 Zoning District, subject to the following provisions and restrictions:

- A. The use of said permanent and portable swimming pools shall be limited for swimming or bathing by residents of the premises and their guests, without charge for admission and not for the purpose of profit, and must be located on the same lot as an accessory use to the residence or dwelling thereon.
- B. No swimming pool of any type shall be constructed or installed unless the said pool and all appurtenances, apparatus and equipment to be used in connection with said pool shall be at least five (5') feet away from any sideline, not less than five (5') feet away from any rear line and at least five (5') feet away from the main building.
- C. The water in every swimming pool shall be maintained and treated in a manner sufficient to maintain bacterial standards established by any and all applicable provisions of law relating to public swimming pools existing in the County of Putnam.
- D. No floodlighting or any other lights installed in connection with any swimming pool shall throw rays of light beyond the property lines of the parcel upon which such pool is located,

§ 114-5. Construction and use permits.

- A. No permanent or portable swimming pool shall be erected or used upon any parcel of property in the Village of Cold Spring until an application has been made to the Building Inspector or Code Enforcement Officer for erection and use permits and said permits have been issued with the required fees paid therefor.
- B. The fee for the erection permit and annual renewal permit shall be found in the Master Fee Schedule. ~~shall be based upon the capacity of any such pool for water volume at the rate of two dollars (\$2) for each one thousand (1,000) gallons, with a minimum fee of five dollars (\$5). The charge for a use permit shall be two dollars (\$2). The fees amount under this chapter may be amended from time to time by the Village Board of Trustees by adopting from time to time by resolution of the Village Board.~~ a resolution setting the fee schedule.

- C. There shall be no charge or fee for pools in existence at the time this chapter is adopted, provided the owner complies with the provisions of § 114-3 and further files with the Building Inspector or Code Enforcement Officer a sworn statement that such pool was in existence prior to the date hereof. In default thereof, the owner shall be required to apply for an erection and use permit and comply in all respects with this chapter, except that any preexisting permanent swimming pool will not have to be moved to comply with setback requirements because of the terms of this chapter alone.

§ 114-6. Water use.

Any such swimming pool, whether permanent or portable, which shall hold in excess of five thousand (5,000) gallons of water, shall be subject to the approval of the Village Board, and the application for the permit to erect or use same shall be referred by the Building Inspector or Code Enforcement Officer to the Board of Trustees. Even though a permit may be granted for any such pool, the Board of Trustees reserves the right to withhold the use of Village water for the filling of said pool whenever it deems necessary or advisable for the preservation and good of the water supply and water supply system and facilities of the Village of Cold Spring. The cost of water from the Village water supply for filling any such pool shall be determined from time to time by resolution of the Board of Trustees of the Village of Cold Spring and may be amended from time to time by resolution.

§ 114-7. Prerequisites for permits.

- A. An application shall be made for the erection and/or use of any permanent or portable swimming pool on forms supplied by the Building Inspector or Code Enforcement Officer on which the applicant shall supply such information requested by the Building Inspector or Code Enforcement Officer, and in all cases there shall be attached to the application a sketch or, when required by the Building Inspector or Code Enforcement Officer, a survey by a New York licensed surveyor or engineer, showing the location of the pool and the design and dimensions of the pool, together with all specifications for the handling of the supply of water, sanitary facilities, drainage systems, filtering system and safety precautions. Such application and plans shall have affixed thereto the signature of the owner of the premises or the agent of the owner, duly authorized to act for said owner, in writing.

- B. Upon completion of the erection of any type swimming pool, the applicant for the erection permit shall apply to the Building Inspector or Code Enforcement Officer for a use permit. The Building Inspector or Code Enforcement Officer shall inspect the pool, and upon satisfactory proof of its completion in accordance with this chapter and any other applicable laws, ordinances or regulations applicable thereto, he/she shall issue the use permit.

§ 114-8. Enforcement.

This chapter shall be enforced by the Building Inspector or Code Enforcement Officer of the Village, and in addition thereto he/she shall report all violations to the Village Board.

§ 114-9. Penalties for offenses. [Amended 3-27-79 by L.L. No. 1-1979]

Any person committing an offense against any of the provisions of this chapter or Article, as the case may be, shall be guilty of a violation under the Penal Law and, upon conviction thereof, shall be punishable by a fine of not more than two hundred fifty dollars (\$250) or by imprisonment for not more than fifteen (15) days, or both. Each and every week that such violation continues shall constitute a separate violation. Nothing herein contained shall be construed to deprive the Village or its Board of Trustees of any other available remedy.

§ 114-10. Variances.

The Board of Trustees reserves the right to vary or modify any of the aforesaid regulations under § 114-4 where it finds, after written request from the owner, that there are unusual circumstances resulting in practical difficulty or unnecessary hardship which would deprive the owner of reasonable use of his/her land, and where the Board of Trustees further finds that the situation does not require the strict application of this chapter and that the variance granted will result in preserving the spirit of this chapter as well as securing the safety, health and general welfare of the Village.